SUPREME COURT, U.S.
FILED
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OFFICE OF THE CLERK

**SUPREME COURT OF THE UNITED STATE**

**OCTOBER TERM, 1999**

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**CARL WILLIAMS & HASSAN ALEEM**
**Petitioners**

**v.**

**STATE OF MICHIGAN; CONRAD MALLETT, Michigan Supreme Court Chief Justice, VERA MASSEY JONES, Recorder's Court Chief Judge CANNDICE S. Miller, Secretary of State of Michigan.**
**Respondents**

# PETITION AS A MATTER OF RIGHT OR IN THE ALTERNATIVE FOR WRIT OF CERTIORARI FROM THE SIXTH CIRCUIT DISTRICT COURT

## PETITION FOR WRIT OF CERTIORARI

**Pro se Petitioners**
**Carl Williams & Hassan Aleem**
**P.O. Box 07457,**
**Detroit, Michigan 48207**
**(313) 923-8222 or 276-9177**

6 3PP

# QUESTIONS PRESENTED

Whether the local and appeal courts deprivation of hearing and adjudication on injunction and summary Judgment violated **14th Amendment of the Constitution of the United States and Civil Right Statute**?

The Appeal Court has said.....No

Petitioners say.....Yes

The Respondents say.....No

Whether the court erred when the Michigan State legislature, failed to meet or comply with **Article VI Section 1 and Article XII Section 1Constitutionally 2/3 required vote** and referendum to petitioners and 80% 85% Black/Afro American, Detroit Citizens, **violate the 14th Amendment** of the

Constitution of the United State and Civil Right Statutes, when they past House **Bill 5158 and Joint Resolution S & T, known as Public Act 374 of 1996**?

(See exhibit F Appendix F)

The Appeal Court has said .....No

The Petitioners said .....Yes

Respondents said .....No

Whether the lower and appeal courts erred and misused and abused it's authority, when they dismissed petitioner's complaint that, was contrary to and Conflicted with the United State Supreme Court precedents and the Standards of review governing Fed. R.Civ. P. Rule 8?

## LIST OF INTERESTED PARTIES

Pursuant to Rule 14.1(b) of Supreme Court Rules Carl Williams and Hassan Aleem hereby identifies those persons, Associations of persons, or other entities that are, or may be Interested in the outcome of this case. Parties to this Petition:

Carl Williams & Hassan Aleem

Plaintiff/Petitioner

STATE OF MICHIGAN;
CONRAD MALLETT,
Michigan Supreme Court Chief Justice,

VERA MASSEY JONES,
Recorder's Court Chief Judge

CANNDICE S. Miller,
Secretary of the State of Michigan.

Defendants-Appellees

**Additional interest Parties not a party to the suit:**

NAACP
Legal Department
2990 E Grand Blvd
Detroit, Michigan

Amnesty International
322 eight Avenue
New York New York 10001

Nathanniel Abraham
c/o Jeffery Fieger
19390 W. 10 Mile
Southield, Michigan

Discrimination Committee
4201 Connecticut Ave N.W.
Suite 300
Washington D.C. 20008

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## OPINION BELOW

The United State Court of Appeals for the Sixth Circuit has not issued an opinion at this time. A copy of the unpublished opinion is included in Appendix A-17.

The petitioners filed a reconsideration and the unpublished opinion of the of the United States Court of Appeal included in Appendix A-8-9

## JURISDICTIONAL STATEMENTS

This matter is brought before this Honorable Court under **42 U.S.C.(1981) & (1983) of the Civil Right Acts of 1871, 28 U.S.C. 1651, 28 USC 1253 and 1254 from three judge District Court on injunction and interlocutory appeal and the 14th, 5th and 7th AMENDMENT OF UNITED STATES CONSTITUTION** and in the petition

for Certiorari, pursuant to **USC 28 1201 (a) and (b).**

The Supreme Court has long established that the **14th Amendment of the Constitution of the United States** governs any action of a state, "whether through its Legislature, through its Courts, or through its Executive or administrative officers." **In Mooney v. Holohan 294 U.S.103, 113, citing, Carter v. Texas, 177 U.S. 442, 447; Roger v. Alabama, 192 U.S. 226, 233, 234, Also Powell v. Alabama, 287 U.S. 45, 52, 66.**

## CONSTITUTIONAL PROVISION INVOLVED

**Michigan State Constitution-**

**Article 1 Section 2:** No person shall be denied Equal protection of the law; nor shall any person be denied the enjoyment of his civil or political Right or be discriminated against in the exercise Thereof because of religion, race, color or national origin. The legislature shall implement these section by appropriate legislation.

**Article 1 Section 3**: The people have the right peaceable to assemble, to consult for the common good, to instruct their representative and to petition the government for redress of grievances.

**Article V1Section 1**: The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, and courts of limited jurisdiction that the legisature may establish by a two-third vote of the members elected to and serving in each house.

**Article X11 Section 1**: Amendment to this constitution may be proposed in the senate or house of representatives. Proposed amendment agreed to by two-third of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the visions of the constitution at the end of 45 daysafter the date of the election at which it was approved.

**Constitution of United States-**

**Article V:** The Congress, whenever two third of both Houses shall deem it necessary, shall propose Amendment to this Constitution, or on the Application of the Legislatures of two third of the several States, shall call a Convention for proposing Amendment, which, in either case, shall be valid to all intents and a purposes, as part of

this Constitution, when ratified by the Legislature of three fourths of the several states, or Convent- ions in three fourths thereof, as the one or other mode of ratification may be proposed by the Congress;

**1st AMENDMENT:** Congress shall make no law respecting an establishment of religion, or prohibiting. The free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to peti- tion the Government for a redress of grie- vances.

**14th AMENDMENT:** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## STATEMENT OF THE CASE

Carl B. Williams and Hassan Aleem filed suite, against the State of Michigan, because the Michigan State Legislature abolished Recorder's and Probate Courts and establish a new family court contrary to and in violation of **the Michigan State and the United Constitution.**

This case was initially assigned to Judge Duggan by the blind draw system. Judge Avern Cohn had the case transfer to his docket because he apparently believe one of the litigants was a Palestinian or Arab and showed over-whelming prejudice by dismissing the case without a hearing and/or jury trial, as a matter of right.

Petitioner's present prima facie evidences as described by the **Michigan State Statute MCL 600.2113.** See exhibit B attached to Original complaint in appendix B.

We further submitted the Michigan Senate Journal that showed they only received 23 yeas, not enough to legally past the bill on page 1545. See Appendix C (1), as exhibit A attached to original complaint. **Article 1V Section 17 and 18 of Michigan State Constitution.** See Appendix C(2).

Petitioners has submitted an article in the legal advocator written by Honorable Judge Richard Kuhn, whom stated they didn't get the 2/3 vote and the procedure violated the Constitution and deprived Wayne County voters of their right to elect new judge. See D (1) in appendix D as exhibit E in original complaint

Petitioner's has presented an article in Michigan State Bar Journal on court Reorganization written by John F. Langs, in 1966, that stated " the Legislature shall establish a court or courts of limited jurisdiction with power and jurisdiction defined by law."

Such legislation must be adopted by 2/3 vote of both the House and the Senate(**Art VI. Sec 1**). See appendix D (2).

Petitioners has also submitted two newspaper articles, by one of the respondent, former Supreme Court Judge Conrad L. Mallett Jr., that call for a Constitutional Amendment on the reorganization of recorder court and probate court. See exhibit E in appendix E.

Judge marse Avern Cohn dismissed our case and order the clerk not to accept any other pleading from us or in other word nigguh, don't come back to my court.

## ARGUMENT AND AUTHORITIES

Question No. 1:

The lower Courts abused it's discretion and authority, when they deprived petitioners their rights to a hearing on injunction, contrary to the United States Supreme Court precedent. See **Untied State v. Corrick 298 U.S. 435, Mayo v. Lakeland Highland Canning Co 309 U.S. 310.**

The purpose of the **Federal Civil Statute (42 USCS Section 1983)** authorizing action at law, suit in equity, or other proper proceeding for redress of deprivation, under color of sate law, of

rights secured by Federal Constitution and Federal laws, is to interpose federal courts between state and people, as guardians of people's federal rights, and thus to protect people from unconstitutional action be executive, legislature, or judicial; in carrying out this purpose, congress by expressly authorizing suit in equity as one of means of redress, has plainly authorized federal courts to issue injunctions in Section1983 actions. **Mitchum v. Foster (1972) 407 US 225, 32 L Ed 2d &705, 92 S Ct 2151.**

## ARGUMENT AND AUTHORITY

Question No.2

This case was originally brought to the court because the Michigan State Legislature failed to mustard the Constitutional 2/3 vote and a referendum, to create or abolish a Constitutional created court, pursuant to

**Article IV Section 29, Article VI Section 1, Article XII Section 1 of the Michigan State Constitution.**

(1)The House Joint Resolution "S" and"T" as introduced September 27, 1995, known **Public Act 374 of 1996,** on pages 2 of 17, 3 of 17 and 5 of 18 appendix F.

Currently, the state constitution vests the judicial power of the state "exclusively in one court of justice," which is divided into "one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court one probate court, and courts of limited jurisdiction" established by the legislature by **a two-thirds (2/3)** vote of the members elected to and serving in each house **(Article VI, Section 1).**

The Michigan State Constitution **Article VI Section 1** states in the pertinent part that:

" the Legislature may establish a court by two-third (2/3) vote of the members elected to and Serving in each house. "**Article IV Section 2** states "The senate shall consist of 38 members to be elected from single member district at the same election as the governor for four-year concurrent with the term of office of the governor."

Petitioners have submitted to the court in their complaint Exhibit A copy of the **Michigan Senate Journal** enter as appendix D (2).

Petitioners submitted the senate journal as statutory evidence **Pursuant, to M.C.L. 600.211 8a(3) Revise Judicature Act,** that showed evincing the senate only had 23yeas.There are 38 senator members elected and serving in senate in accordance to **Article 1V Section 2** and 2/3 of 38 is 25.33 and round off to 26 Constitutional required votes.

Because we are dealing with human being and not just statistic 3/5 of a person is suppose to be outlaw, so 33 become rounded off, as a whole number, whole person or vote, nevertheless to say, if you drop the 33 and left it at 25, you still do not met the constitutional requirement with 23 yeas.

(1) The **Joint House Bill 5158 "S' and "T'** also state it would amend the Constitution on page1of The Michigan State Legislature failed to adhere or follow **Article XII Section 1,** which state pertinent part " Proposed Amendments agreed to by two-third of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals."

The lower courts has overlooked or misapprehended four essentials point and has failed to discuss or elaborate on them in their Order, (a) The Michigan Legislature did not received the Constitution -al two third (2/3) vote in the senate that is supported by "Prima Facie Evidence" of Michigan Senate Journal, as defined by the **Michigan Statute 600.2118a (3),**supported by **Article lV Section 17 of the Constitution of the State of Michigan** shown as exhibit A & B of original complaint.

The article wrote by Oakland County Judge, Richard Kuhn, in the Legal advocator as exhibit E 2 of original complaint enclosed as Appendix D(1) and D(2) as early as 1966 by attorney John F Lang in the Michigan State Bar Journal.

The most compelling evidence is the defendant, formal Supreme Court Judge Conrad Mallett Jr. call for a constitutional amendment to complete the bill in the Michigan Chronicle in July 22, 1997, and in the Detroit, newspapers December 5, 1997, attached to Rule60 b motion, newly discovered evidence and submitted as Appendix E(1).

Therefore, not only **Article VI Section 1** was violated but also **Article XII Section 1** for not receiving the two-third constitutional amendment vote.

(2) The bill also stated "The legislature can create, alter, or discontinue circuit court circuits, and can create or alter probate court districts of more than one county **if the voters in the affected counties approve** on pages 3 of 17and 5of 18.

The referendum for the 80%to85 %Black/Afro American Detroit residents was support by exhibit E 2 of 2 of the original complaint and also as exhibit E of L in the correction joint appendix in the appeal court case 98-1560, where Judge Richard Kuhn, Oakland County 6th Circuit Court wrote an article in The Legal Advocator that stated: "quoted in part:"

Legislation failed to get the required 2/3 vote, it passed the Law, even though this, procedure violated the Constitution and deprived, Wayne County voters of their right to elect new judges. See Appendix D (1)

The defendant-appellees, Michigan Supreme Court Chief Justice, Conrad Mallett wrote in his new paper articles calling for a Constitutional Amendment to complete the reorganization of recorder's court bill.

Because the Constitution requires a Probate Court.

Quoted in part : (See exhibit G of Appeal Case no. 98-1560) and Appendix E (1)

> "to expand the jurisdiction in each county to allow all family issues to be provided by at least one judge elected exclusively by the voters of each county."

How can the judge or judges on one hand talk about judge elected exclusively by the voters of each county and on the other disenfranchise 80%to85%Black/Afro American voters to approve or reject a constitutional amendment.

The controversy is whether the Legislature received the Constitutional required two-third (2/3) vote and the 80% to 85% Black/Afro American

registered voters denied the right to vote on an issue that only affects the residents of Wayne County on a separate trial court for Detroit.

This case is unusual and exceptional for two reasons(1) is the fact that the State Legislature would deceive the people with fraudulent intent and violate the constitutional mandate of 2/3 vote for constitutional amendment of Probate and Recorders Court. Then depriving and denying the resident of Wayne County, especially Detroit resident the right to vote on a issue, that only affect Wayne County that is a local act. The court never met its constitutional mandate to decide whether this bill was a general act or local, as required by **Article 1V Section 29 and Article V1 Section 15 of the Constitution of the State of Michigan of 1963.**

The Michigan State Legislature has violated **Article VI Section 1 and 15, Article XII Section 1** because they did not mustard the 2/3 vote and failed to direct a referendum to the electors not less than 60 days, thereafter, which is a throwback from Supreme Court Ruling in **Mooney v. Holohan** supra, **citing, Carter v. Texas** supra; **Roger v. Alabama, Also Powell v. Alabama,** supra. Where the courts established the **14th Amendment** governs any action of a state, "whether through its Legislature, through its Courts, or through its Executive or administrative officers."

The case cited above only had one constitutional violation where here their multiple violation of the constitution by the State Legislature and the Courts that is a state action within the preview

of the **14th Amendment** of the Constitution of the United States.

When the Supreme Court in it's wisdom established state action under the **14th Amendment** in their early rulings racism was blatant and running wild but the judges found the moral character and courage to up help and protect the Constitution despite the unpopular ruling.

This case is directly analogous to the U.S. Senate removing President Clinton with out the Constitutional 2/3 vote of the Senate.

## REASONS FOR GRANTING THE PETITION

This Case is a matter of great public interest, that involved a class of citizen's constitutional rights to approve or reject a bill.

When petitioners applied for relief the lower court's decisions, denied petitioners to redress the government for grievances, that conflicted with the standing, Supreme Court precedent, the standard of review present to the courts by the petitioners and the respondents and, the constitutional **1st Amendment rights** of the petitioners to redress the government for grievances.

Petitioners have no other remedy at law to seek relief, when the state violate it own state laws. and Constitution in order to suppress and curtain the right

of black/Afro American to exercise our **first (1st) Amendment right to redress the government for grievances,** the only recourse is the United State Supreme Court.

## CONCLUSION

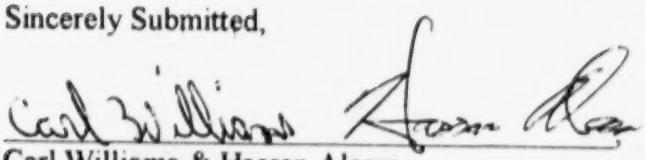
This case excel beyond just the rights of petitioners, but the abuse and misuse of power of state officials to change the procedure of the way a bill or laws are pass and to usurp the rights of the people rights to approve or reject an Amendment to the Constitution of the State of Michigan and the right to redress the **government for grievance.**

The Lower and Appeal Court made a decision in conflict with the Supreme Court precedent and has departed from the accepted and usual course of judicial proceedings

The Lower Court and the Appeal Court refused to answer an important question of State and Federal law that has not been, but should be settled by this Court.

WHEREFORE, and the foregoing reason petitioners pray that this honorable court grant appeal as a matter of right or in alternative grant Certiorari.

Sincerely Submitted,



Carl Williams & Hassan Aleem
P.O. Box 07457
Detroit, Michigan 48207

**Date: January 13, 2000**

# APPENDIX

# APPENDIX A-1

98-1560/1772
District Court No. 97-75103

UNITED STATE COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Carl B. Williams; Hassan Aleem
Plaintiff-Appellants,

v.

STATE OF MICHIGAN; CONRAD MALLETT, Michigan Supreme Court Chief Justice, VERA MASSEY JONES, Recorder's Court Chief Judge CANNDICE S. Miller, Secretary of State of Michigan.
Defendants-Appellees

BEFORE: MERRITT, KENNEDY, and SILER, Circuit Judges.

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

Sixth Circuit Rule 206 limit citation to specific situation
Please see Rule 206 before citing in a proceeding in a court
In the sixth circuit. If cited, a copy must be served on other parties and the court.
This notice is to be prominently displayed if this decision is reproduced.

ORDER

# APPENDIX A-2

Carl B. Williams and Hassan Aleem, Michigan resident proceeding pro se, appeal two district court judgments. In case No. 98-1560, they appeal an order denying their motion to alter, vacate, or amend the judgement dismissing their action for failure to comply with Fed R Civ P. 8 (a).

In case No. 98-1772, they appeal an order denying their motion for relief from judgement. This case has been referred to a panel of the court pursuant to Rule 34(j) (l), Rules of the Sixth Circuit. Upon examination, this panel Unanimously agrees that oral argument is not needed. Fed R. App P. 34 (a)

Williams and Aleem filed a complaint in October 1997 challenging a bill passed by the Michigan legislature. They alleged that the

legislature violated provisions of Michigan and federal statutory and constitutional law because it abolished the Detroit Recorder's Court without a two-third majority vote.

The defendants-the State of Michigan, the Supreme Court Chief Justice, two lower judges, and the Michigan Secretary of State-filed motions to dismiss under Fed.R.Civ.P. 12(b) (6). Williams and Aleem filed a response. By order entered March 5, 1998, the district court dismissed the action for failure to comply with Fed. R. Civ. P. 8 (a), and declined jurisdiction over any state law claims. The district court denied all of Williams and Aleem's motions for post-judgment relief.

In their timely appeals, Williams and Aleem argue

that the district court: (1) should have considered the merit of their challenge to the Michigan act; and (2) should not have denied their Rule 60 (b) motion.

We note that the plaintiffs have not argued on appeal that the district court erred by dismissing in their state law claims. Issues raised in district yet not raised on appeal are considered abandoned and are not reviewed on appeal. See Enertech Elec., Inc, v. Mahoning County Comm'rs, 85 F.3d 257, 259 (6th Cir 1996) Upon review, we conclude that the district court did not comply with Rule 8 (a). See Kuehl v. FDIC, 8 F.3d 905, 908 ( 1st Cir. 1993), cert. Denied, 511 U.S. 1034 (1994). Williams and Aleem pleaded Jurisdiction under the Fourteenth Amendment to the United States Constitution and various federal statutes.

# APPENDIX A-5

However, the gist of their complaint was that the Michigan constitution. Even assuming these allegations to be true, the plaintiffs did not present any federal claim against these defendants. Court construe pro se complaints liberally. See, e.g., **Estell v. Gamble, 429 U.S. 97, 106 (1976); Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir. 1991).**

However, Williams's and Aleem's complaint did not contain even the minimum requirements of a short and plain statement" of the grounds for jurisdiction, a claim showing entitlement to relief, or a demand for judgment. See **Fed. R. Civ. P. 8 (a); Wells v. Brown, 891 F. 2d 591, 594 (6th Cir. 1989).**

# APPENDIX A-6

We also conclude that he district court did not abuse its discretion in denying William's and Aleem's Rule 60 (b) motion and motion to reconsider the denial. See **Thompson v. American Home Assur. Co., 95 F.3d 429, 433 (6th Cir. 1996).**

They did not present any newly discovered evidence. See Fed. R. Civ. P. 60 (b) (2); **Good v. Ohio Edison Co., 149 F. 3d 413, 423,(6th Cir. 1998).**

They did not show clear and convincing evidence of fraud or other misconduct by an adverse party. See Fed.R. Civ.P. 60 (b) (3); **Simons v. Gorsuch, 715 F.2d 1248, 1253 97TH Cir. 1983).**

Finally Williams and Aleem did not show an other extraordinary circumstances justifying relief from judgment. See **Fed. R. Civ. P. 60 (b) (6);Davis by Davis v. Jellico Community Hosp., Inc., 912 F .2d 129, 136 (6th Cir 1990).**

Accordingly, the district court's order dismissing the complaint and the order denying the Rule 60 (b) motion are affirmed. RULE 34(j)(2)(C),Rules of Sixth Circuit

ENTERED BY ORDER OF THE COURT

Clerk

## APPENDIX A-8

## OPINIONS

98-1560/1772
District Court No. 97-75103

UNITED STATE COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Carl B. Williams; Hassan Aleem
Plaintiff-Appellants,

v.

STATE OF MICHIGAN; CONRAD MALLETT, Michigan Supreme Court Chief Justice, VERA MASSEY JONES, Recorder's Court Chief Judge CANNDICE S. Miller, Secretary of State of Michigan.
Defendants-Appellees

BEFORE: MERRITT, KENNEDY, and SILER, Circuit Judges.

The court having received a petition for rehearing en banc, and the petition having been circulated not only to original panel members but also to all other active judges of this court, and no judge of this court having requested a vote on

the suggestion for rehearing en banc, the petition for rehearing has been referred to the original panel.

The panel has further reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the case. Accordingly, the petition is denied.

ENTERED BY ORDER OF COURT

_____

Leonard Green, Clerk

## APPENDIX B

**EVIDENCE STATUTE** **600.2113**

Constitution, laws, resolutions of state as evidence **Sec. 2113**. The printed copies of the constitution, laws and resolutions of this state, whether of a public or private nature, which shall be published under the authority of the government, shall be admitted as sufficient evidence thereof in all courts, and all proceedings within this state.

## APPENDIX C (1)

## No. 58

## STATE OF MICHIGAN
# Journal of the Senate

88th Legislature

REGULAR SESSION OF 1996



Sec. 401. This act shall not take effect unless House Bill No. 5158 of the 88th Legislature is enacted into law.

Terry Geiger
Timothy L. Walberg
Nick Ciaramitaro
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator De Grow move that the rule be suspended.

The motion prevailed.

The question being on the adoption of conference report, the senators voted as follows:

Roll Call No. 664 Yeas-23

| | | | |
|---|---|---|---|
| Bennett | DeGrow | Koivissto | Schuettte |
| Bouchard | Dingell | McManus | Shugars |
| Bullard | Dunaskiss | Miller | Steil |
| Carl | Emmons | North | Stille |
| Cisky | Gast | Posthumus | Van Regenmor |
| DeBeaussaert | Hoffman | Rogers | |

Nays-12

| | | | |
|---|---|---|---|
| Berryman | Conroy | Peter | Stallings |
| Byrum | Hart | Smith | Vaughn |
| Cherry | O'Brien | Smith | Youngs |

Excused-3

| | | |
|---|---|---|
| Geake | Gougeon | Schwarz |

Not Voting-0

Berryman

The first conference report was adopted, a majority of the Senators serving having voted therefor.

## APPENDIX C (2)

## MICHIGAN STATE CONSTITUTION

**Article IV Section 17 STATES:**

Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the Legislature may create joint committees. On all actions on Bills and resolutions in each committee, names and vote Of member shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearing and a shall be published in journal in advance of the hearing.

**Article IV Section STATES:**

Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act proceeding or resolution which he injurious to any person or the public, and have the reason for his dissent entered in journal.

## APPENDIX D (1)

## THE LEGAL ADVOCATOR

September 1997 Volume Issue 4



### Abolishing Recorder's Court wasn't by the constitutional book

For example, the Legislature recently wanted to abolish Recorder's Court, a court with jurisdiction over felony cases in the City of Detroit, create new judgeships in the Wayne County Circuit Court, and transform the Record- er's Court judges into Wayne County Circuit Court judges. Since the 1963 Michigan Constitution provides that Election, and that Wayne must file new judgeships County voters are entitled to elect Wayne County Circuit Court judges, the Legislature attempted to get a 2/3 vote to Amend the Constitution to allow this legislation and other Court reform legislation. When the Legislature failed to get the required 2/3 vote, it passed the law, even though this procedure violated the Constitution and deprived, Wayne County voters of their right to elect new judges.

Judge Richard Kuhn is a presiding Judge in The Oakland County 6th Circuit Court.

## APPENDIX D (2)

## MICHIGAN STATE BAR JOURNAL

December 1966 Volume XLV No.12

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## REPORT OF JOINT COMMITTEE ON COURT REORGANIZATION

Under the Michigan Constitution it is provided that the offices of "circuit court commissioner and justice of the peace are abolished," effective December 31, 1968, (Art. VI, Sec. 26 ). In the same action, it is required that "the Legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law." Such legislation must be adopted by a 2/3 vote of both the House and the Senate (Art. VI, Sec.1)

## APPENDIX E (1)

**July 22, 1997** **Michigan Chronicle**

**By Michigan Supreme Court Chief Justice Conrad L. Mallett Jr.**

### Frequently asked questions about a constitutional merger of the Circuit and Probate Courts

Why do we need a constitutional amendment? We need the amendment to finish the creation of the family court as a division of the circuit court by shifting juvenile cases from the probate court into the Circuit Court. Because the Constitution requires a Probate Court, however, the judges of the Probate Court remain in the Probate Court and must be assigned into the circuit court to help handle the work of family court. Furthermore, not all the cases involving family could be shifted into the Circuit Court. As a result will estates, guardian-ships and conservatorship remain in Probate Court. To put all these family- related cases and the judges required to hear hem in the same court requires a Constitutional Amendment.

## APPENDIX E (2)

December 5, 1997 Detroit Free Press

**FAMILY COURTS**

Lawmakers should resist cluttering up a good ideal

In Wayne County the creation of the family court will coincide with court Appeal disappearance of Recorder's Court. The merger of Recorder's and Circuit Courts here is pretty much in place. That they have adapted with such apparent smoothness to the controversial new order forced on them by the Legislature is a tribute to the direction by the State Supreme Court and everyone else concerned.

One piece of housekeeping remains in the creation of the family courts statewide. That the need to amend the state Constitution to merge probate courts into circuit courts and to provide that every county, even the east populous, elects at least one judge from within its boundaries.

As the Legislature drafts the amendment to be put on the ballot, restraint and simplicity ought to be the rule. Most law makers have a page full of ideal on how to improve court torts or the criminal justice system,- some excellent, some awful. Keep in line of the Constitution.

## APPENDIX F

## A SUMMARY OF HOUSE BILL 5158 AND HOUSE JOINT RESOLUTION "S" AND "T', KNOWN AS PUBLIC ACT 374 OF 1996

Current State Court configuration. Currently, the state constitution vests the judicial power of the state "exclusively in one court of justice," which is divided into "one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court one probate court, and courts, and courts of limited jurisdiction" established by the legislature by **a two-thirds (2/3)** vote of the members elected to and serving in each house **(Article IV, Section 1).** The court of appeals currently is divided into four districts, with the number of appellate judges having grown from nine to 28 since 1963. Under the constitution, the circuit court is divided into judicial circuits along county lines **(Article VI, Section II),** as are probate court districts **(Article IV, Section 15).** The legislature can create, alter, or discontinue circuit courts, and can create or alter probate court districts of more than one county if the voters in the affected counties approve.

The two-third (2/3) requirement two abolish Recorder's and Probate Courts and to establish or create a new family court with the approval of the voters in the affected counties is emphasized through out this bill on pages 2 of 17, 3of 17 and 5 of 18 of this bill.

**APPENDIX G(1)**

**November 9, 1999**

Supreme Court of the United States
C/o Honorable John Paul Stevenson
1 First Street, N.E.
Washington, D.C. 20543

Justice Stevenson:

This letter and petition is addressed to you due, to you are the superior judge over the Six District Courts and the Court Clerk, Williams K. Suter, clerk by Jeffrey Atkin sent a letter returning our request for extension of time for jurisdictional statement, as a matter of right, pursuant to 28 USC 1253.

On August 19, 1999, petitioners filed their notice of Appeal and approximately, September 3, 1999 wrote and called requesting a copy of the rules. On September 15, 1999, the court received our Motion for Extension of time for jurisdictional statement.

A timely appeal on September 20, 1999, petitioners sent by priority Mail in accordance to Rule 29 jurisdictional statement and the court received it on September 24, 1999, and was returned September 30, 1999, with a copy of the rules.

However, the jurisdictional statement was returned for not complying with the rules, stating we only can file a timely petition for Writ of Certiorari within 90 days under rule 13.

According, to Rule 30 an extension of time other than for certiorari may be presented in the form of a letter, although we presented our extension in form of a motion because the letter form is not mandatory and we was unaware at that time.

The Supreme Court Practice state only the original signed copy need be filed with the clerk and 81/2 x11 paper and no fee is payable to the clerk. Rule 21 states an original and ten (10) copies are required and we complied with those requirements. Nevertheless, to say the motion for extension of time was not returned until October 18, 1999, alleging we didn't comply with the rule but failed to stated which rule we didn't comply with for the extension of time, if any.

The court clerk has violated Rules Enabling Act 28 USC 2072 that states:

Such ruled shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

The fact the court clerk with held our motion for extension of time with out any certain rule that petitioners violated deny us as a matter of right to redress the government for grievance.

The creation of 36 District Courts Wayne, Oakland, Macomb and Kent Counties are divided into division for election purposes so as to give local communities within these counties an opportunity to elect judges of their own choice. (See petition exhibit D2 page 8 paragraph 5)

The reason for reorganization of the court system of recorder and probate court was racially motivated. The crux of the matter is whether intentionally or inadvertently the consequence resulted in the invidious discrimination against City of Detroit population of 80% to 85% Black and/or Afro-American. Due to the Michigan State Legislature failure to follow and comply with the fundamental principle of 2/3vote to amend, change or alter the Constitution in any or fashion. This principle is guarantee by the Article Five of the Constitution of the United States and Article X11 Section 1 of the Constitution of the State of Michigan.

The Federal District Court Judge Avern Cohn and the six circuit court of Appeal Judge Siler, have conspired to discriminate and retaliate against the petitioners in the exercise of their 1st and 14th Amendment Right. Because Judge Cohn though one of the petitioners (Hassan Aleem) was a Palestinian or Arab.

While Judge Siler, retaliate against petitioners for filling complaints against Michigan Federal District Court Judge Zackoff, for violating Michigan Blind Draw System and illegally granting Larry Nevers convicted murder a frivolous and defective writ of Habeus Corpus, where he sat on the panel to cleanse Zackoff of his misdeed.

The judge have should recuse himself or step down from making a decision on this case to prevent the appearance of prejudice in violation of Code of Judicial conduct Canon 3 " A Judge should perform the duties of his office impartially and Diligently." Judge Siler may have influence the other two judges.(See exhibit B)

Petitioners also filed complaint against Norma Holliway Johnson of Federal Court of District of Columbia and the three judge panel of the D.C. Court of Appeal; David Sentelle, Paul Fay, and John Butzner.

The D.C. Judges illegally sanction and expanded special prosecutor, Kent Starr authority to investigate non-government officials i.e. Mrs Hilarry Clinton and Moncia Lewinsky, who is not cover under 28 U.S.C. 591. (See Page 4 of exhibit A.)

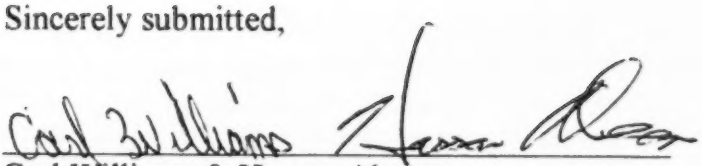
Nathanneil Abraham was the youngest person charged with murder in this country and was held in jail two years in violation of his right to speedy trial. Little does the Amnesty Internat- ional knows, that they are right on target. The Oakland County Family Court is an illegal project of the Michigan Legislature, wherein, the legisla- ture fail to get requisite 2/3 vote (26) of (38) senators of the Michigan Senate.

Conversely, the republican control U.S. Senate didn't get requisite 2/3 vote in the trial attempt to convict and remove President Clinton. Where as when the Michigan Senate did not get the 2/3 vote and they past a law any way, i.e. this is legislature terrorism of the first magnitude.

Black fork and other minority's rights are of no consequence when it comes to this govern- ment and the courts. Nude dancing is held to a higher standard than the rights of human being, thus a basic Human Rights violations as well.

This case transcend beyond just racism. this goes to the very core of the fundamental principle of our govern by people in a democratic society to a blatant fascist oligarchy form of government.

Sincerely submitted,



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(313) 923-8222 or 276-9177

cc: Arab American Anti Discrimination Ledge
United Nation
Human Right Commission
Amnesty International